

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

STEVEN ROBINSON on behalf
of himself and all others
similarly situated,

Plaintiff,

v.

HORNELL BREWING CO., et
al.,
Defendants.

Civil No. 11-2183 (JBS-JS)

ORDER

This matter having come before the Court upon the motion of Defendants to dismiss Plaintiff's class action allegations [Docket Item 26]; for the reasons explained in the Memorandum Opinion of today's date; and for good cause shown;

IT IS this 12th day of **March, 2012** hereby

ORDERED that Defendants' motion is **DENIED** as follows: the motion is denied without prejudice as to Plaintiff's allegation that the matter is appropriate for class action under Fed. R. Civ. P. 23(b)(2); the motion is denied as moot as to Plaintiff's allegation that a class action is superior to other forms of adjudication under Fed. R. Civ. P. 23(b)(3); and it is further

ORDERED that the Court will hear oral argument on Plaintiff's motion to certify a class [Docket Item 41] on Tuesday, April 3, 2012, at 10:00 A.M. in Courtroom 4A.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
Chief U.S. District Judge